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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,964	01/21/2005	Jan Sebastiaan Reedijk	2014-1001	2113

466 7590 04/24/2006

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EXAMINER

KRAMER, DEVON C

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/521,964	REEDIJK ET AL.	
	Examiner	Art Unit	
	Devon C. Kramer	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 47-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/25/05 1/21/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2) Claims 47-56, 58 and 61-64 are rejected under 35 U.S.C. 102(b) as being anticipated by Chevallier (4347017).

IN re claim 47-55, 58, 61-64, Chevallier provides a protective element, comprising: a substantially square base (11) with opposite planar sides; two primary projections (13); four auxiliary projections (21) that each extend from a different respective corner of said substantially square base and that are spaced apart from each other by substantially equally sized recesses, each of four auxiliary projections extending in a direction of diagonal said base crossing the respective corner and having opposite faces that are each substantially parallel to a respective said planar side of said substantially square base, said protective element being heavier than water and constructed and arranged to rest on feature to be protected from breaking waves.

In re claim 56, see col. 1 line 20-25.

Claim Rejections - 35 USC § 103

3) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4) Claims 47-56, 58-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kweon et al (6508042) in view of Tsuzuki (3582034).

IN re claim 47-55, 58, 61-64, Kweon et al provides a protective element, comprising: a substantially square base (10) with opposite planar sides; four auxiliary projections (16) that each extend from a different respective corner of said substantially square base and that are spaced apart from each other by substantially equally sized recesses, each of four auxiliary projections extending in a direction of diagonal said base crossing the respective corner and having opposite faces that are each substantially parallel to a respective said planar side of said substantially square base, said protective element being heavier than water and constructed and arranged to rest on feature to be protected from breaking waves.

Kweon et al lacks two projections that extend from the planar sides.

Tsuzuki teaches two projections.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the protective element of Kweon et al with two primary projections as taught by Tsuzuki merely to prevent the device from having a purely planar face and a further projection to absorb forces.

In re claim 56, see col. 5 line 14.

IN re claim 59-60, Kweon et al as modified by Tsuzuki lacks auxiliary projections having a pointed shape. It would have been obvious to one of ordinary skill in the art at the time of the invention to have made the auxiliary projections to have a pointed shape merely as a design choice and further to reduce the planar surfaces on which forces can dissipate.

5) Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kweon et al (6508042) in view of Tsuzuki (3582034) and further in view of Mutou et al (JP 03183811).

In re claim 57, Kweon et al as modified by Tsuzuki lacks the claimed material.

Mutou teaches making an underwater device from slag and sand.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have made the protective device of Kweon et al as modified by Tsuzuki from slag and sand merely to recycle waste materials and to provide a material that can withstand the loads.

6) Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chevallier (4347017) in view of Mutou et al (JP 03183811).

In re claim 57, Chevallier lacks the claimed material.

Mutou teaches making an underwater device from slag and sand.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have made the protective device of Chevallier from slag and sand merely to recycle waste materials and to provide a material that can withstand the loads.

7) Claims 59-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chevallier (4347017).

IN re claims 59-60, Chevallier lacks auxiliary projections having a pointed shape. It would have been obvious to one of ordinary skill in the art at the time of the invention to have made the auxiliary projections to have a pointed shape merely as a design choice and further to reduce the planar surfaces on which forces can dissipate.

Conclusion

8) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dorrell, Suzuki, Melby et al, and Bockting all provide wave dissipating devices.

9) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C. Kramer whose telephone number is 571-272-7118. The examiner can normally be reached on Mon-Fri 8-4.

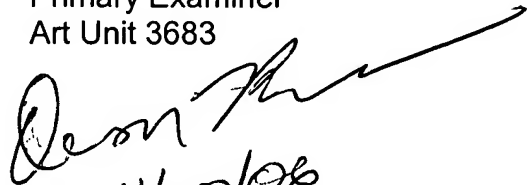
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571)272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DK

Devon C Kramer
Primary Examiner
Art Unit 3683



4/20/06